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SEP 20 2004

Our Ref./Docket No: CISCO-7727

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lyons, <i>et al.</i>	Group Art Unit: 2681
Application No.: 10/698,588	Examiner:
Filed: October 31, 2003	
Title: ERROR VECTOR MAGNITUDE SELECTION DIVERSITY METRIC FOR OFDM	

## PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

This is a preliminary amendment, prior to any Office Action.

Any *amendments to the specification* begin on a new page immediately after these introductory remarks.

Any *amendments to the claims* begin on a new page immediately after such *amendments to the specification*, if any.

Any *amendments to the drawings* begin on a new page immediately after such *amendments to the claims*, if any.

The *Remarks/arguments* begin on a new page immediately after such *amendments to the drawings*, if any.

If there are drawing amendments, an *Appendix* including amended drawings is attached following the *Remarks/arguments*.

## Certificate of Facsimile Transmission under 37 CFR 1.8

I hereby certify that this response is being facsimile transmitted to the United States Patent and Trademark Office at telephone number 703-872-9306 addressed the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on.

Date: Sept. 20, 2004

Signed: Amy Drury  
Name: Amy Drury

**INVENTEK**

Dov Rosenfeld  
 5507 College Avenue, Suite 2  
 Oakland, CA 94618, USA  
 Phone: (510)547-3378; Fax: (510)291-2985  
 dov@inventek.com

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SEP 20 2004

**Patent Application Ser. No.:** 10/698,588**Ref./Docket No:** CISCO-7727**Applicant(s):** Lyons, et al.**Examiner.:****Filing Date:** October 31, 2003**Art Unit:** 2681**FAX COVER PAGE**

**TO:** Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

United States Patent and Trademark Office  
 (Art Unit 2681)

**Fax No.:** 703-872-9306**DATE:** September 20, 2004**FROM:** Dov Rosenfeld, Reg. No. 38687**RE:** Preliminary amendment*Number of pages including cover: 9.***OFFICIAL COMMUNICATION**

**PLEASE URGENTLY DELIVER A COPY OF  
 THIS AMENDMENT TO THE EXAMINER OF  
 RECORD FOR THIS APPLICATION, ART UNIT  
 2681**

**Certificate of Facsimile Transmission under 37 CFR 1.8**

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Signed: Amy Drury  
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# TRANSMITTAL FORM

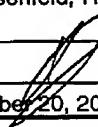
*(to be used for all correspondence after initial filing)*

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/698,588
	Filing Date	31 Oct 2003
	First Named Inventor	Lyons, Daniel Joseph
	Group Art Unit	2681
	Examiner Name	
	Attorney Docket Number	CISCO-7727

**ENCLOSURES (check all that apply)**

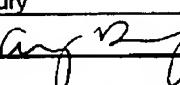
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Preliminary Amendment  <input type="checkbox"/> <input type="checkbox"/> After Final  <input type="checkbox"/> <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation  <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request of Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i>  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT/ CORRESPONDENCE ADDRESS**

Firm or Individual name	Dov Rosenfeld, Reg. No. 38687
Signature	
Date	September 20, 2004
<b>ADDRESS FOR CORRESPONDENCE</b> Firm or Individual name Dov Rosenfeld 5507 College Avenue, Suite 2, Oakland, CA 94618, Tel: 510-547-3378	

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Type or printed name	Amy Drury		
Signature		Date	September 20, 2004

Our Ref./Docket No: CISCO-7727

Patent

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 SELECTION DIVERSITY METRIC FOR  
 OFDM

Group Art Unit: 2681  
 Examiner:

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 SEP 20 2004

TRANSMITTAL: PRELIMINARY AMENDMENT

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Commissioner:

Transmitted herewith is a preliminary amendment for the above referenced application.

This application has:

a small entity status. If a claim for such status has not earlier been made, consider this as a claim for small entity status.

No additional fee is required.

## Certificate of Facsimile Transmission under 37 CFR 1.8

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Date: Sept. 20, 2004

Signed: Amy Dury  
 Name: Amy Dury

S/N 10/698,588

Page 2

CISCO-7727

A credit card payment form is attached for presentation of additional claims.

Applicant(s) believe(s) that no Extension of Time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for an extension of time.

Applicant(s) hereby petition(s) for an Extension of Time under 37 CFR 1.136(a) of:

<input type="checkbox"/> one months (\$110)	<input type="checkbox"/> two months (\$420)
<input type="checkbox"/> two months (\$950)	<input type="checkbox"/> four months (\$1480)

If an additional extension of time is required, please consider this as a petition therefor.

A credit card payment form for the required fee(s) is attached.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0292 (A DUPLICATE OF THIS TRANSMITTAL IS ATTACHED):

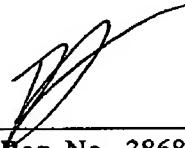
Any missing filing fees required under 37 CFR 1.16 for presentation of additional claims.

Any missing extension or petition fees required under 37 CFR 1.17.

Respectfully Submitted,

Sept. 20, 2004

Date



Dov Rosenfeld, Reg. No. 38687

Address for correspondence:

Dov Rosenfeld  
5507 College Avenue, Suite 2,  
Oakland, CA 94618  
Tel. 510-547-3378; Fax: +1-510-291-2985

Our Ref./Docket No: CISCO-7727

Patent

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Applicant(s): Lyons, <i>et al.</i> Application No.: 10/698,588 Filed: October 31, 2003 Title: ERROR VECTOR MAGNITUDE SELECTION DIVERSITY METRIC FOR OFDM	Group Art Unit: 2681 Examiner:
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Signed: l. Drury  
Name: Amy Drury

S/N 10/698,588

Page 2

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one months (\$110)  two months (\$420)

two months (\$950)  four months (\$1480)

If an additional extension of time is required, please consider this as a petition therefor.

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Sept. 20, 2004

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Dov Rosenfeld, Reg. No. 38687

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Dov Rosenfeld  
5507 College Avenue, Suite 2,  
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